

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Purdue Pharma, LP, et al,)	Chapter 11
)	case no. 19-23649 (Bankr.
		S.D.N.Y.)
Debtors,)	(Jointly Administered)
)	

**EMERGENCY REQUEST FOR IMMEDIATE INJUNCTION AND HEARING FOR DUE
PROCESS, PRODUCTION FOR EVIDENTIARY DOCUMENTS & OTHER RELIEF**

COMES NOW, Ellen Isaacs, Pro Se, a Citizen of the United States of America and on behalf of “**WE THE PEOPLE**” OF THE UNITED STATES OF AMERICA, respectfully request an injunction against the proceedings entitled above based upon the following facts to be true and correct to the best of my knowledge upon the filing of this pleading:

I am acting in my own self defense and for all the families that have not had a voice for their beloved one(s).

1. WE ARE IN A PUBLIC HEALTH AND SAFETY EMERGENCY THAT IS NOT POLITICAL.
2. The process of the Bankruptcy proceedings are in violation of The U.S. Constitution's 14th Amendment.

Wherein; No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of **LIFE, liberty, or property**, without **due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws.

Our family members are deceased and have been deprived of life, dying every single day (see CDC) or still struggling with their afflictions (see SAMSHA). The families through various organizations have been demanding due process; to no avail.

3. Fourteenth Amendment of the US Constitution – “Rights Guaranteed: **Privileges and Immunities of Citizenship, Due Process, and Equal Protection**. All persons born or

naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside”.

4. The bankruptcy proceedings are prohibiting WE THE PEOPLE the plaintiffs our due process which is guaranteed by the 14th Amendment of The Constitution. “Due process is the legal requirement that the state must respect all legal rights that are owed to a person. Due process balances the power of law of the land protects the individual person from it. When a government harms a person without following the exact course of the law, this constitutes a due process violation, which offends the rule of law”.

“Due process has also been frequently interpreted as limiting laws and legal proceedings so that judges, instead of legislators, may define and guarantee fundamental fairness, justice, and liberty”. Everything that continues to go on during this Bankruptcy hearing has been up to discretion. The word discretion is defined in the Webster Dictionary as FREEDOM. Our family members are dead and not FREE and those beloved ones family members left behind full of pain, anguish, grief and so on are NOT FREE of mental and physical dis-ease due to the Trauma inflicted by Purdue Pharma and these proceedings.

5. Any agreement that would permit a Bankruptcy that takes away the plaintiff’s rights of due process and permits a Corporation and people that run these corporations to absolve themselves from criminal prosecution while humans continue to die daily is against the law of The Constitution. The Bankruptcy should never have included Purdue Pharma’s admitted criminal actions. This Bankruptcy case could have continued with the criminal case immediately redirected to the Department of Justice when the Sackler’s admitted they were guilty. The Bankruptcy Court is not the venue to absolve criminal actions.

6. Once it was determined that Oxycontin was highly addictive and killing humans the product should have been referred back to the DEA for removal from the public market place and criminal action should have been immediately ensued. The physicians should have been given 90 days notice to put patients on another form of medication that would not kill nearly an entire generation and traumatize a large part of society as a whole from the families, First Responders to the Funeral Directors. ~~Case Precedence~~

7. Purdue Pharma harmed my life with Oxycontin after a surgery, my son at the age of 16 was prescribed Oxycontin after a fall. The physician in part was following the guidelines of the manufacturer Purdue Pharma and their misleading pamphlets and aggressive marketing team. This ultimately caused his demise and fractured my family. I have lived this nightmare from all spectrums of the abuse of discretion by Purdue Pharma and Big Pharma as a whole. Please stop this from happening to other families.

8. It appears Purdue Pharma is suppressing their financial wealth in offshore bank accounts as an act of rebellion and the Federal Bankruptcy Court should not be permitting this to occur. This too is an abuse of power in conflict with the Fourteenth Amendment of The Constitution of The United States of America.

9. It is of record, Purdue Pharma has flipped many of their assets into Real Estate Holdings between family members out of the principle Sackler's names.

10. It is of record, Purdue Pharma has taken their wealth and created another pharmaceutical company entitled Mundi Pharmaceuticals for continual residual income off the sales of pharmaceuticals. All while what appears to be dumping Purdue Pharma into a public holding company for the government to handle while they walk away unscathed and avoid ongoing responsibility where Oxycontin will continue to be peddled by our government. Bankruptcy proceedings were never contrived to avoid criminal prosecution.

11. It is of record, Purdue Pharma (The Sackler's and their adhoc committee members) have been permitted through the bankruptcy proceedings to continue to perjure themselves throughout the entire proceedings. As well as live on the Senate Hearings. This should not be considered by this Court or The Senate. This behavior is very much like that of the Tobacco Industry saying "I don't believe" this to be addicting. For documents to be presented to a Sackler Family Member and the evidence clearly showing their culpability and for them to repeatedly say "I don't recall" is harming to all of the family members and adds insult to their grief.

12. As of this day, every eight minutes someone is dying from an opioid overdose/drug induced homicide that was proven in 2007 to have begun with Purdue Pharma.

13. WE THE PEOPLE are not being permitted to review the discovery documents, interrogatories, tapes of live feed or anything related to the within case.

14. The fifteen (15) States that filed in favor of the bankruptcy settlement appear to have taken their own discretion to aggressively agree to the settlement. It appears that their yes votes are not the total will of the people. Please see Exhibit "A" attached hereto. It was shocking for me to see who these representatives are and what party they are affiliated with.

15. There are nine (9) states that have not yet decided to agree with the settlement. Please see Exhibit "B".

16. Most citizens were not aware of these bankruptcy proceedings until after the deadline to file. Then there are the family members that are continually dying after the deadline to file that

have no recourse to file a claim against Purdue Pharma because the settlement depicts no further liability.

17. This all started in the 1960's when Arthur Sackler created Valium and Librium. This is when Arthur Sackler began sedating WE THE PEOPLE and their fortune began to develop.

18. Then Purdue Pharma's/Sackler's advancement to Oxycontin. Per one of many physicians, Oxycontin is a man made synthetic drug more lethal than heroin. This was known to have killed 500,000 over 20 years and now that number appears to have jumped since 2018 to 900,000 through various avenues that all started with Purdue Pharma.

19. A Prime Clerk, only one representative of claimants, reported there were 618,194 proof of claims and only 120,301 actually voted. This is less than 20% of the votes. Interestingly enough not even 80% of the votes were not returned and/or counted. Nor could the Prime Clerk Representative break down the claims for the court during the final bankruptcy hearing.

20. There was so much confusion around the voting process with my son's Law Firm. In this request it states that I should check the "yes" box to agree with the settlement. This was quite alarming to see the representative for my attorney's office suggesting to vote yes for this settlement when Purdue Pharma killed my son and the same for so many families across our Nation. I voted NO!

21. Another litigant filed an affidavit to the Bankruptcy Court advising that she had also been solicited to vote yes by "Prime Clerk". This matter was not addressed. Attempts to access the certified copy of the affidavit are being met with great resistance. Please see the uncertified copy of Affidavit attached hereto as Exhibit "C".

22. The harm caused by Purdue Pharma is going to go on for generations to come by the trauma passed down through the children, parents, siblings, nieces, nephews and extended family members. Many of the families are being prescribed valium or some other benzodiazepine, antidepressants, antipsychotics and so much more to deal with the mental pain and grief. This action is causing a rise in overdoses, drug induced homicides, suicides, suicidal ideations, cutting, harming of self or other's. See SAMSHA or one of the 20 other government agencies I have contacted with no response. The grave fallout of societies emotional well being and lack of pursuit of LIFE, LIBERTY, PROPERTY AND DUE PROCESS has been shattered by Purdue Pharma. Purdue Pharma has made a mockery out of the U.S. Legal Justice System.

23. SAMSHA is currently "reporting " 52% of *WE THE PEOPLE* are suffering from Mental Health Dis-Ease. Then there are the uninsured and under-reported that will not go to a psychiatrist or physician out of fear and stigma. This figure appears to be grossly higher.

24. Purdue Pharma enslaved women that were pregnant with oxycontin and/or they flipped to a Medicated Assisted Drug. Both drugs have case studies that evidence the children could be born dependent. It has been alleged in one or more of the 22,000 hours of discovery documents that Purdue Pharma has killed pregnant mother's and their unborn fetuses.

In the matter of Sarah Janie Hicks v. the State of Alabama, Chief Justice Roy S. Moore gave one of many notable examples of inalienable rights as he declared:

" ... an unborn child has an inalienable right to life from its earliest stages of development," and added, "I write separately to emphasize that the inalienable right to life is a gift of God that civil government must secure for all persons – born and unborn."

25. This matter has also spilled over into other countries where Purdue Pharma has taken media air time in these Countries. Purdue Pharma should not be allowed to conduct business anywhere.

26. Due Process is continually and systematically being withheld from WE THE PEOPLE – The fundamental, constitutional right to fair legal proceedings in which all parties will be given notice of the proceedings, and have an opportunity to be heard. So much so that Elizabeth Warren, Carolyn Maloney, and other Congressional Leaders have written a letter to USAG Merrick Garland to appeal the Bankruptcy proceedings. Letter to USAG Merrick Garland is attached hereto as Exhibit "D".

27.. On August 9, 2021 at the White Plains Bankruptcy Court three (3) young girls attempted to file a letter to Judge Drain and were not permitted their due process to file said letter with the clerk. The security guards took the letter and escorted them out of the courthouse. The letter to Judge Drain is attached hereto as Exhibit "E". WE OBJECT!

28. The only way to participate in the final proceedings, without having any evidence made available to all of the plaintiff's in this case, is to watch it from a room in Manhattan, N.Y. or call in on a phone line. A phone line that had to be changed. As we all tried to scramble to catch up. Then most of the first day's hearing was indiscernible. From what could be understood, the individuals communicating over zoom could not understand what the questions and answers were and had to ask for many statements to be repeated.

29. COVID or not, **WE THE PEOPLE** deserve to have our 14th Amendment rights and **LIFE, Liberty, Property (evidence) and due process of law. This proposed agreement is**

illegitimate. Bankruptcy was never intended to take away amnesty for criminal prosecution and should never be any part of said agreement.

I, Ellen Isaacs, on behalf of myself and *WE THE PEOPLE* Object to these Bankruptcy Proceedings and request the following relief; along with other such relief that this Court deems just, meet and proper:

1. An immediate injunction stopping the above-captioned Bankruptcy proceedings.
2. All medical examiner reports collected by a third party for every accidental overdose and homicide by drugs since the first prescription of Oxycontin. Upon review of opioid related cases the surviving family members are to be notified of these proceedings to determine if they have a valid claim. Followed by continual relief for the families due to Purdue Pharma's devastation to the families and friends across OUR Nation. Much like a fund developed for the families after 9/11.
3. A full blown investigation of overdoses by Valium and Librium since the first prescriptions.
4. Release to the public of all of the discovery, evidentiary, interrogatories, video feeds, pictures, emails, taped conversations that the court is holding/obtaining.
5. Allow sufficient time for the ballots to be returned regarding the bankruptcy only.
6. A full blown investigation into Janet Woodcock, DEA's, involvement with approving Oxycontin and other man made synthetic drugs purported to relieve pain. See Vioxx.
7. All votes for each state to be recounted. Should a State AG have voted against the Will of the people for their specific State they are to be immediately removed from office.
8. Seizure of all of Purdue Pharma, The Sackler's, assets and holdings including Mundi Pharmaceutical.
9. The USAG and UN to oversee the entire Bankruptcy proceedings and Criminal Prosecution.
10. STARTING WITH THE CONSTITUTIONAL LAW, THE PRECEDENCES AND ALL OF THE OTHER REASONS STATED ABOVE REQUIRE AN IMMEDIATE INJUNCTION ENTERED IMMEDIATELY AND A HEARING SHOULD BE GRANTED AS SOON AS POSSIBLE FOR MYSELF. ELLEN ISAACS, AND WE THE PEOPLE.

Respectfully submitted this 17th day of August, 2021.



Ellen Isaacs, Pro Se

Sworn to and subscribed before me this ^{16th}~~17th~~ day of August 2021.



NOTARY PUBLIC



ALEX PARUS
Commission # GG 221785
Expires September 24, 2022
Bonded Thru Budget Notary Services

EXHIBIT ~~B~~

STATE YES VOTES FOR PURDUE PHARMACY BANKRUPTCY PROCEEDINGS

State	Affiliated Party	Attorney General
Colorado	D	Phil Weiser
Hawaii	D	Claire Connors
Idaho	R	Lawrence Rasden
Illinois	D	Kwarne Raoul
Iowa	D	Thomas L. Miller
Maine	D	Aaron Frey
Minnesota	D	Keith Ellison
Nevada	D	Aaron Ford
New Jersey	D (Acting)	Gurbir Grewel
North Carolina	D	Josh Stein
Pennsylvania	D	Josh Shapiro
Virginia	D	Mark Herring
Wisconsin	D	Josh Kaul

The remaining states voted NO to the settlement with the exception of those States listed on Exhibit "C". These States abstained and according to Robert's Rules are counted as Yes votes.

EXHIBIT **18**

STATES THAT HAVE ABSTAINED FROM VOTING IN BANKRUPTCY SETTLEMENT

STATE	Affiliated Party AG
California	D
Delaware	D
Maryland	D
New Hampshire	R
Oregon	D
Rhode Island	D
Vermont	D
Washington	D
District of Columbia	D

EXHIBIT C

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

PURDUE PHARMA L.P., *et al.*¹

Debtors.

Chapter 11

Case No. 19-23649
(RDD)

(Jointly Administered)

**AFFIDAVIT OF KATHERINE MOORHEAD REGARDING
PRIME CLERK, LLC AS SOLICITATION AGENT**

STATE OF KENTUCKY)
) S.S.
COUNTY OF JEFFERSON)

Katherine Moorhead, being duly sworn, upon her oath deposes and states as follows:

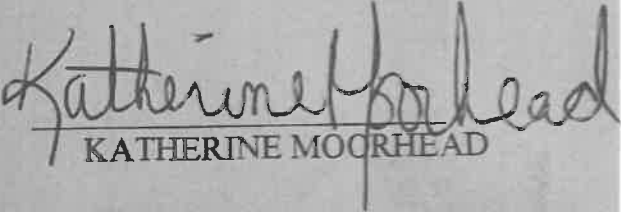
1. From November 2001 to May 2002, I suffered from opioid use disorder due to the prescribed use of Hydrocodone.
2. On July 26, 2020, I submitted claim number 89688 in the above-captioned cases.
3. On June 28, 2021 I received a ballot solicitation package in connection with the Sixth Amended Joint Reorganization Plan for Purdue Pharma and Affiliated Debtors (the "Plan")

¹ The debtors in these chapter 11 cases ("Debtors" or "Purdue"), along with the last four digits of each Debtor's registration number in the applicable jurisdiction, are as follows: Purdue Pharma L.P. ("PPLP") (7484), Purdue Pharma Inc. (7486), Purdue Transdermal Technologies L.P. (1868), Purdue Pharma Manufacturing L.P. (3821), Purdue Pharmaceuticals L.P. (0034), Imbrium Therapeutics L.P. (8810), Adlon Therapeutics L.P. (6745), Greenfield BioVentures L.P. (6150), Seven Seas Hill Corp. (4591), Ophir Green Corp. (4594), Purdue Pharma of Puerto Rico (3925), Avrio Health L.P. (4140), Purdue Pharmaceutical Products L.P. (3902), Purdue Neuroscience Company (4712), Nayatt Cove Lifescience Inc. (7805), Hutton Land L.P. (7502), Rhodes Associates L.P. (N/A), Paul Land Inc. (7425), Quidnick Land L.P. (7584), Rhodes Pharmaceuticals L.P. (6166), Rhodes Technologies (7143), UDF LP (0495), SVC Pharma LP (5717) and SVC Pharma Inc. (4014) (collectively, the "Bankruptcy Cases").

4. Having questions about the effect of voting for or against the Plan, I called the solicitation agent, Prime Clerk LLC ("Prime Clerk"), pursuant to instructions provided in the solicitation materials.

5. On June 28, 2021, at approximately 3:50 in the afternoon, I spoke with a Prime Clerk representative, "Hunter," who informed me that if I did not vote "yes," in support of the Plan, "the process would start all over and I would never see any money."

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Affidavit was executed the 5th day of August, 2021.


KATHERINE MOORHEAD

SWORN TO AND SUBSCRIBED before
Me this ____ day of _____, 2021

NOTARY PUBLIC

Congress of the United States
Washington, DC 20510

August 6, 2021

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

We write to you today urging the Department of Justice (“DOJ”) to file an immediate direct appeal of Purdue Pharma, L.P.’s (“Purdue”) plan of reorganization, in order to avoid releasing the Sackler family from accountability for the opioid crisis they helped create.

Purdue filed for bankruptcy in 2019 as a means of dealing with the thousands of cases against the company for its role in the opioid crisis.¹ From the outset of this case, Purdue’s owners, members of the Sackler family (the “Sacklers”), have piggybacked off of Purdue’s bankruptcy case to avoid personal accountability for their actions at Purdue.

First, the Sacklers have obtained nearly two years of stays from litigation against them. Now, in a matter of days, the Bankruptcy Court will convene for the Confirmation Hearing of Purdue’s Chapter 11 Plan of Reorganization (the “Plan”).² Under the Plan, the Sacklers will be granted releases for themselves and their accomplices, not just from Purdue’s claims against them, but from their own direct liability to Purdue’s creditors, irrespective of those creditors’ consent (“nonconsensual third-party releases”). The Sacklers, who bear a significant responsibility for the opioid crisis, are solvent, non-debtor parties who are abusing the bankruptcy system to avoid accountability for their actions. The DOJ has the ability and the responsibility to put an end to the Sackler’s irresponsible and unfair efforts.

The United States is one of Purdue Pharma’s largest creditors. On June 30, 2021, House Oversight and Reform Committee Chairwoman Carolyn B. Maloney and Congressman Mark DeSaulnier sent you a letter urging the DOJ to oppose the Plan because its terms were in direct conflict with the DOJ’s prior position regarding the unlawfulness of the nonconsensual release of government claims brought against non-debtors, such as those brought by state attorneys general against the Sacklers.³

¹ New York Times, “Purdue Pharma, Maker of OxyContin, Files for Bankruptcy,” Jan Hoffman and Mary Williams Walsh, September 15, 2019, <https://www.nytimes.com/2019/09/15/health/purdue-pharma-bankruptcy-opioids-settlement.html>.

² The Confirmation Hearing is set for August 12, 2021.

³ Letter from Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and Rep. Mark DeSaulnier, to Attorney General Merrick Garland, Department of Justice, June 30, 2021, <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-06-29.CBM%20DeSaulnier%20to%20Garland-DOJ%20re%20Purdue%20Plan%20of%20Reorganization.pdf>.

On July 19, 2021, the DOJ filed a “statement” with the U.S. Bankruptcy Court in the Southern District of New York to express its “fundamental concerns” with the nonconsensual third-party releases in the Plan.⁴ More specifically, the DOJ stated that these releases violate due process, are not permitted under the Bankruptcy Code, and that bankruptcy courts lack authority to approve the releases in the Plan.⁵

The DOJ provided an in-depth analysis of the constitutional rights at issue in this case. At their core, the proposed nonconsensual third-party releases in the Plan violate the due process rights of thousands of people because they deprive them of their property (in this case, their claims against the Sacklers) without reasonable notice and an opportunity to be heard.⁶ The non-consenting creditors in this case, including individual victims and several state Attorneys General, want to litigate their cases against the Sacklers. However, they will be unjustly denied that opportunity if the Plan is confirmed.

Despite the arguments your agency raised against the nonconsensual third-party releases in Purdue’s Plan, the DOJ did not actually object to the Plan or even vote against the Plan.⁷ In fact, your agency did not vote on the Plan at all.⁸ In failing to cast a ballot, the DOJ has effectively voted to *approve* the Plan that it claims is unconstitutional.⁹

There is still time for the DOJ to play a key role in this case by seeking an immediate direct appeal to the Second Circuit Court of Appeals on the constitutionality of the Plan’s nonconsensual third-party releases.¹⁰ Such an immediate direct appeal is appropriate as there is no controlling precedent on the constitutionality of nonconsensual third-party releases either in the Second Circuit or from the Supreme Court of the United States and this case involves a matter of public importance.¹¹ If the DOJ pursues this appeal, it should also consider asking the

⁴ Statement of the United States Regarding the Shareholder Release filed by Audrey Strauss, United States Attorney for the Southern District of New York, on behalf of the United States of America, with hearing being held on 8/9/2021, July 19, 2021, <https://restructuring.primeclerk.com/purduepharma/Home-DocketInfo>.

⁵ *Id.*

⁶ *Id.*

⁷ In contrast, the United States Trustee did object to the plan. Objection of the United States Trustee to the Sixth Amended Joint Chapter 11 Plan of Purdue Pharma L.P. and Its Affiliated Debtors, *In re Purdue Pharma, L.P.*, No. 19-23649 (RDD) (Bankr. S.D.N.Y. July 19, 2021) (Dkt. No. 3256).

⁸ See Exhibit A to Preliminary Declaration of Christina Pullo of Prime Clerk LLC Regarding the Solicitation of Votes and Tabulation of Ballots Cast on the Fifth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and Its Affiliated Debtors, *In re Purdue Pharma, L.P.*, No. 19-23649 (RDD) (Bankr. S.D.N.Y. July 26, 2021) (Dkt. No. 3327).

⁹ Disclosure Statement for the Fifth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and Its Affiliated Debtors, *In re Purdue Pharma, L.P.*, No. 19-23649 (RDD) (Bankr. S.D.N.Y. June 3, 2021) (Dkt. No. 2983) § I.H (“The Debtors will argue to the Bankruptcy Court that if no holders of Claims in a particular Class that is entitled to vote on the Plan vote to accept or reject the Plan, then such Class shall be deemed to accept the Plan.”). See also *In re Ruti-Sweetwater, Inc.*, 836 F.2d 1263, 1266 (10th Cir. 1988) (inaction by a nonvoting single class creditor constituted acceptance by the class); *In re Adelpia Commns., Corp.*, 368 B.R. 140, 260-63 (Bankr. S.D.N.Y. 2007) (following *Ruti-Sweetwater*).

¹⁰ Whether the appeal is an immediate direct appeal or an interlocutory appeal depends on whether a confirmation order by a non-Article III bankruptcy judge that contains a non-consensual release of personal injury and wrongful death claims can be considered a final order. For purposes of this letter, we refer to an appeal, whether direct or interlocutory, as a direct appeal.

¹¹ 28 U.S.C. § 158(d)(2)(A)(i).

Court of Appeals for a stay of the Plan pending appeal to avoid having the court nullify the appeal by invoking the doctrine of equitable mootness.¹² Some Courts of Appeal rely on this controversial doctrine to avoid unwinding bankruptcy plans that go into effect, even if a plan is wrongly confirmed.

In light of the DOJ's concerns about the constitutionality and lack of Second Circuit and U.S. Supreme Court precedent on the legality of nonconsensual third-party releases and the lack of a trustee or examiner motion to evaluate the merits of the Plan, we respectfully request that the DOJ take its next opportunity to intervene in the case by appealing the Plan on constitutional grounds.


We also seek your response to the following questions:

1. Will the DOJ seek an immediate direct appeal of the Plan and a stay of the Plan pending appeal to avoid the applicability of the doctrine of equitable mootness?
2. Why didn't the DOJ, representing a creditor holding a \$2 billion claim in this case, cast a vote on the Plan?
3. If the DOJ is concerned about the constitutionality of the nonconsensual third-party releases in the Plan, why did the agency not vote against the plan and instead take an action that is effectively interpreted as being in favor of the Plan?
4. Is it now official DOJ policy that nonconsensual third-party releases are unconstitutional and will it object to their use in future cases?

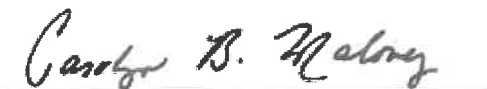
Sincerely,



Elizabeth Warren
United States Senator



Richard Blumenthal
United States Senator



Carolyn B. Maloney
Member of Congress



Mark DeSaulnier
Member of Congress

¹² 28 U.S.C. § 158(d)(2)(D). The United States may also seek a stay of the Plan from the Court of Appeals if the Bankruptcy Court declines to act. Fed. R. Bank. P. 8007(b).



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Honorable Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4140

Aug 2, 2021

Re: Purdue Pharma, LP, et al., case no. 19-23649 (Bankr. S.D.N.Y.)

Dear Judge Drain,

My name is Alexis Pleus, Founder and Executive Director of Truth Pharm, an advocacy organization with over 12,000 followers dedicated to reducing the harms of substance use. I am joined by many other organizations, including families, claimants and members of the harmed public in writing this letter to you to make you aware of the thousands of innocent victims who have been misinformed, and purposefully blocked out of this bankruptcy process.

We collectively OBJECT to these proceedings, the proposed settlement and the non-debtor releases provided by this court.

This court failed to reach the majority of people harmed by Purdue Pharma. Hundreds of thousands of harmed American citizens don't even know they are part of a heinous process set to rob them of their rights. Imagine the children left behind without parents as a result of the Sacklers' actions who will come to this realization some 15-25 years from now and realize, it was your court that robbed them of their rights to hold the perpetrators of their lifelong harm accountable.

The harmed have not been provided the opportunity to be heard. The harmed have not been provided due process, which is our constitutional right. We have collectively been represented by attorneys who are out of reach for us, the individuals harmed by Purdue Pharma. We were not provided legal guidance or documents that are legible without an attorney's interpretations and those interpretations were not even made available to us. For months we have fielded calls from members of our organizations, harmed individuals who are about to be forced to live by the orders of a bankruptcy court that has been strategically orchestrated by the Sacklers to avoid the truth and accountability we have the right to pursue. From day one, we have been railroaded by the Sackler's demands and this court's servitude to the Sacklers.

Purdue Pharma and the Sacklers have been making headlines for years - leading to an overdose epidemic as declared by the CDC in 2011 where the CDC specifically pointed out the rise in overdoses as



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being directly linked to a market flooded with prescription painkillers.¹ In 2012, 259 million prescriptions were written for opioids,² which was more than enough to give every American adult their own bottle of pills. Year after year, we have watched the death toll rise, watched as more people struggled and the addiction treatment system became completely overwhelmed and countless families sounded the alarms. The Sacklers dug their heels in, hired more marketing consultants, and worked to mar the reputation of the people who became addicted to their drug while they raked in \$3 billion per year in personal wealth as a result of their continued sales of Oxycontin.³

Certainly you and your court are aware of these facts. And so, for you to choose to block due process for the very people who have been harmed, is unfathomable.

The actions of Purdue Pharma, the role the Sackler family played in harming the American people now and for generations to come, has been and will continue to be well documented.

And it would appear that you have chosen to sell your legacy, your reputation, your fame, your court and our opportunity for justice to the highest bidder to be recorded in history as the judge who let them get away with it all.

Perhaps you were for sale all along, but we, the harmed, the memories of our children, brothers, sisters, mothers and families are not for sale and we will not allow your violent acts against us to move forward without resistance and without our voices collectively saying NO. This is not justice and we OBJECT.

While those harmed by the Sacklers are impacted by the criminal justice system, medical bills, treatment costs, costs of funerals and of raising the children left behind, this court chooses to give the Sacklers and over a thousand of their fellow bad-actors a pass. The Sacklers have used their wealth and influence to sway FDA approvals, to avoid accountability in the 2007 Department of Justice criminal case, to delay passage of the Sackler Act and now, it's about to happen again with this travesty of a bankruptcy process right here in your court.

The Sacklers have exercised unfair influence throughout the entire bankruptcy process resulting in court decisions and settlement provisions that shields billions of Purdue opioid blood money from creditors and forever protects the Sacklers from lawsuits and criminal courts. In addition, the court afforded Sacklers power to extend its releases to include hundreds of trusts, businesses, and financial

¹ https://www.cdc.gov/media/releases/2011/p1101_flu_pain_killer_overdose.html

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5011952/>

³ <https://www.forbes.com/sites/alexmorrell/2015/07/01/the-oxycontin-clan-the-14-billion-newcomer-to-forbes-2015-list-of-richest-u-s-families/?sh=38e142b775e0>



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and legal specialists, thus freeing the family to pursue the same criminal strategies internationally. Under the protective watch of countless lawyers and *Your Honor*, the Sacklers have controlled every aspect of communications and settlement negotiations thus supporting the oft stated belief this is a handpicked court and you are a handpicked judge with a reputation of legal interpretations that consistently favor debtors and non-debtors at the expense of creditors. In the process of filing for bankruptcy, Purdue Pharma somehow managed to scrape together millions of dollars in bonus payments to their top executives who your court also granted non-debtor releases for. Meanwhile, the supposed bankrupt Purdue Pharma afforded over \$600 million in attorney fees which will surpass payouts to the individual claimants harmed by Purdue Pharma, who have nothing left to scrape together to have their own legal representation. Your court is allowing this unbalance and we OBJECT.

Consider the facts, approximately 130,000 harmed individuals filed Personal Injury claims, some through contingency attorneys. That number doesn't begin to represent the actual numbers of individuals who had the right to file considering the count of overdose fatalities alone is over 900,000 and as stated previously, in just *one year* we saw a flood of 259 million prescriptions. These numbers don't count the countless individuals who died of sepsis, endocarditis and other afflictions related to Substance Use Disorder. Nor does it include the countless individuals who suffered for years with Substance Use Disorder who are now in recovery nor those still struggling. It is likely that the actual count of people harmed by the Sacklers and Purdue Pharma, if we count all of these and the children and parents left behind, tops 5 million. And this court only managed to reach 130,000. That alone should cause this court to reconsider settling this case.

Furthermore, we understand, Your Honor, has stated that only those who can prove they were prescribed a Purdue Pharma prescription will get a settlement. What of people like my family? My son died 7 years ago. His first prescription for oxycontin was written nearly 12 years before he died. Those records are not even available to me. What of the countless individuals who became addicted due to the market being flooded with unnecessarily prescribed Purdue opioids?

Additionally, claimants have been misinformed about how voting for the plan will impact their settlement. Most believed they had to vote yes to remain a claimant. Based on a preliminary voting table we obtained, it appears under 60k of the 130k voted, but it was touted by your court that 95% of claimants support the proposed bankruptcy plan. That's funny math. We do not agree with this consistent yet erroneous fallacy of the court purporting support for the plan by the harmed. The cavalier elimination of huge numbers of innocent recipients of the Sackler felonious behavior is cruel and damaging and is a gross misrepresentation of our position. We OBJECT.



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In addition, there are many questions regarding the increasing possibility that non-voting claimants were automatically classified as yes votes, a huge prejudicial maneuver that we need confirmed one way or another. There was a problem with abstention due to the complicated, confusing and overwhelming amount of instruction and pressure to vote yes.

When we turned to the Personal Injury Lawyers representing the collective claims, we were advised to hire independent counsel for bankruptcy issues while concurrently being aggressively pressed to vote yes. Likewise, the UCC provided a detailed plan critique that was extremely disheartening to the individual claimants, but also advised us to vote yes as it was the only option available now and in the future. We have a right to representation, which you have not granted. The UCC does not have the right to sway the vote in the Court's favor.

The hugely ineffective communications to claimants doesn't begin to compare with what are clearly some of the most offensive aspects of the bankruptcy settlement. First and foremost the releases being handed to the SACKLERS. Secondly, it appears that the SACKLERS bled Purdue dry of their opioid profits and now act like the paltry amount being paid out over nine years (especially to individuals and families) is a substantial and fair amount. Why would we, as a class, saddled with years of opioid related bills, death and despair, agree to such an insulting payout? We do not. We object.

Why would we, the direct recipients of the anguish of years of lies and watching the SACKLERS get away with horrific crimes against citizens accept these unconscionable releases to the SACKLERS? We, the public, are not willing to accept being stripped of our Constitutional Right to pursue justice against Purdue Pharma and the Sacklers. Once again, we object to this court's attempts to release the Sacklers unscathed.

We object to this one-sided plan until the issues of the low number of individual claimants are explored and the issues of the individual claimants' rights being violated are investigated. We are at the front-line of the horrors of corporate criminal acts and fear this settlement plan will pave the way for the Sacklers and others to cause the loss of yet another 500K lives.

Sincerely,

A handwritten signature in black ink, appearing to be "AP", with a long, sweeping horizontal line extending to the right.

Alexis Pleus for Truth Pharm and countless other organizations and individuals